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7 Attorneys for Defendants

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 OAKLAND DIVISION
11

12 NAACP OF SAN JOSE/SILICON
13 VALLEY, et al.

14 Plaintiffs,

15 v.

16 CITY OF SAN JOSE, et al.

17 Defendants.
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Case Number: 21-cv-01705-PJH

**STIPULATED REQUEST TO
ENLARGE DEFENDANTS' TIME TO
FILE AN ANSWER AND [PROPOSED]
ORDER**

20 Pursuant to Local Rule 6-2, Plaintiffs NAACP of San Jose/Silicon Valley, San Jose
21 Peace and Justice Center, M. Michael Acosta, Joseph Canas, Leslie Vasquez, Peter Allen,
22 Shaunn Cartwright, Yessica Riles, Jose Gustavo Flores Rodriguez, Alex Lee, Joseph
23 Maldonado, Cindy Cuellar, Mahmoudreza Naemeh, and Megan Swift ("Plaintiffs"), and
24 Defendants City of San Jose, Sam Liccardo, Edgardo Garcia, David Sykes, Jason Dwyer,
25 Ronnie Lopez, Lee Tassio, Jared Yuen, Sean Michael Curry, and Fnu Delgado
26 ("Defendants"), by and through their undersigned counsel, submit the following stipulation and
27 joint request.
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1. Plaintiffs filed a complaint (Dkt. 1) against Defendants on March 11, 2021. Pursuant to the Stipulation and Order to Enlarge Time for Briefing re Defendants' Motion to Dismiss (ECF No. 25), Defendants filed their Motion to Dismiss on June 7, 2021 (ECF No. 27). This Court granted in part and denied in part Defendants' Motion to Dismiss in an Order issued on September 24, 2021. ECF No. 45.
2. Under Federal Rule of Civil Procedure 12(a)(1)(A)(i), Defendants' time to file an Answer was October 15, 2021, twenty-one (21) days after entry of the Court's Order on Defendants' Motion to Dismiss. Defendants have not filed an Answer, although parties have already engaged in written discovery and document production.
3. Pursuant to Local Rule 6-2(a), attached as **Exhibit A** is the requisite Declaration of Yue-Han Chow which (1) sets forth with particularity the reasons for the requested enlargement, (2) discloses all previous time modifications in the case (of which there was only one – ECF No. 25), and (3) describes the effect the requested enlargement of time would have on the case schedule (which would be none).
4. The parties stipulate to request that Defendants' time to file an answer be enlarged so that Defendants' Answer may be filed within one (1) business day following entry of an Order by this Court granting the parties' request.

IT IS SO STIPULATED.

Dated: December 10, 2021

Respectfully submitted,

NORA FRIMANN, City Attorney

By: /s/ Yue-Han Chow
YUE-HAN CHOW
Sr. Deputy City Attorney

Attorneys for Defendants

RACHEL LEDERMAN & ALEXIS C.
BEACH, Attorneys

Dated: December 10, 2021

By: /s/ Rachel Lederman
RACHEL LEDERMAN

Attorneys for Plaintiffs

I attest that counsel for Plaintiffs has read and approved this document and given
consent to the filing of the same with the Court.

Dated: December 10, 2021

NORA FRIMANN, City Attorney

By: /s/ Yue-Han Chow
YUE-HAN CHOW
Sr. Deputy City Attorney

Attorneys for Defendants

[PROPOSED] ORDER

Pursuant to the parties' Stipulation, the Request to Enlarge Defendants' Time to File an
Answer is GRANTED, and Defendants are ordered to file their Answer within one (1)
business day following the entry of this Order.

Dated: December ____, 2021

UNITED STATES DISTRICT JUDGE

EXHIBIT A

1 NORA FRIMANN, City Attorney (93249)
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18 Defendants.
19
20

Case Number: 21-cv-01705-PJH

**DECLARATION OF YUE-HAN CHOW
IN SUPPORT OF STIPULATED
REQUEST TO ENLARGE
DEFENDANTS' TIME TO FILE
ANSWER AND [PROPOSED] ORDER**

21 I, Yue-Han Chow, declare:

22 1. I am an attorney licensed to practice in the State of California and represent the
23 Defendants in the above matter.

24 2. This declaration is based on my personal knowledge, and if called as a witness
25 could so testify.

26 3. On June 7, 2021, Defendants filed a Motion to Dismiss the Complaint. ECF
27 No. 27. On September 24, 2021, the Court issued its Order, granting in part and denying in
28

1 part Defendants' Motion to Dismiss. ECF No. 45. Under Federal Rule of Civil Procedure
2 12(a)(1)(A)(i), Defendants time to file an Answer was October 15, 2021, twenty-one (21) days
3 after entry of the Court's Order on Defendants' Motion to Dismiss.

4 4. On November 30, 2021, in reviewing the case file, I realized that Defendants
5 had not filed an answer to the complaint. This was due to a calendaring oversight. I
6 immediately began drafting an answer to the 72-page complaint in this case and preparing
7 the Stipulated Request to Enlarge Defendants' Time to File an Answer.

8 5. If this Court does not grant the Stipulated Request to Enlarge Defendants' Time
9 to File an Answer, then Defendants will be subject to default judgment.

10 6. The parties have only made one prior request for modification of Defendants'
11 time to file a motion to dismiss and the corresponding briefing schedule for the motion to
12 dismiss. The Court granted the parties' stipulated request on May 12, 2021. ECF No. 25.

13 7. Granting the Stipulated Request to Enlarge Defendants' Time to File an Answer
14 will have no impact on any of the existing deadlines in this case. The parties have been
15 actively engaging in discovery, including written discovery and document production, and the
16 fact discovery deadline is not until October 14, 2022. ECF No. 51.

17 I declare under penalty of perjury under the laws of the State of California that the
18 foregoing is true and correct and that this declaration was executed on December 10, 2021 in
19 San José, California.

20 /s/ Yue-Han Chow

21 YUE-HAN CHOW
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